

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-9 NIGHT BOX  
FILED (S)

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CHARLES CLAY )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

JAN 15 2002  
CLARENCE MADDOX  
CLERK, USDC / SD-FL / MIA

NOTICE OF CONFLICT IN SCHEDULE

KINDLY TAKE NOTICE, that the undersigned has one conflict in his schedule with the announced trial date of February 11, 2002 in the instant case.

The undersigned is the only trial attorney for Defendant Clay and has been diligently preparing for trial since retained well over one year ago.

On January 15, 2002 the Honorable Daniel Hurley ordered the undersigned to appear in trial on February 4, 2002 in a case known as United States v. Samhan, 00-06211-CR-HURLEY.

The Samhan, supra case has been pending for four months more than the instant case. It has been problematic in scheduling, including the issue if Palestinian Defendants receiving a fair trial since the events of September 11, 2001.

The undersigned has been prepared for trial each time it has been set. The undersigned has objected to all four continuances

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and presently has a Motion to Dismiss Speedy Trial ripe for resolution with the Honorable Daniel Hurley. If that Motion is granted, there will be no conflict in scheduling with the instant case.

The undersigned has also been diligent in the instant case and has taken a position in the Motion to Withdraw by Mr. Howes (Defendant Morganstern) that Mr. Clay is ready to move forward.

The undersigned immediately advised A.U.S.A. Bryan McCormick of the order by Judge Daniel Hurley. The undersigned also indicated that in light of this order, Mr. Clay withdraws his right to a trial on February 11, 2002.

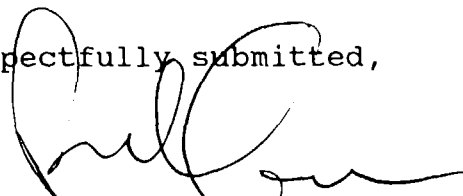
Mr. Morganstern is now represented by William Norris (305-661-6118). There are approximately 3000 recorded conversations involving Mr. Morganstern. The undersigned immediately contacted Mr. Norris and advised him of the order of Judge Daniel Hurley. Mr. Norris must review the recorded conversations (most counsel and the Government agent agreed that this process could take several months) and determine if he must prepare a Motion to challenge same, and prepare for trial.

The undersigned sought permission from Mr. Norris to mention his new involvement in this matter. Although Mr. Norris has no position regarding readiness at this juncture, it would logically appear that Mr. Norris could use any additional time to prepare for trial in the instant matter, if the instant matter would trail the matter of U.S. v. Samhan, supra.

The undersigned disclosed the conflict of both matters with

Judge Daniel Hurley and invited Judge Hurley to contact the Honorable Patricia Seitz. The undersigned is ready, willing and able to move from Los Angeles and try these matters back-to-back and needs a determination by the two courts as to the order of the two trials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard A. Hamar', written over a horizontal line.

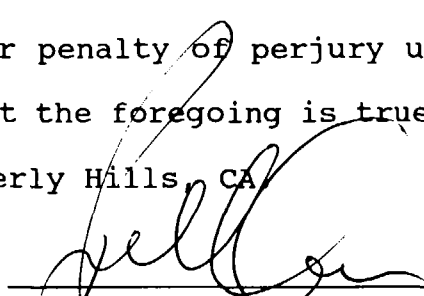
RICHARD A. HAMAR  
Attorney for CHARLES CLAY  
2437 Briarcrest  
Beverly Hills, CA 90210  
(310) 550-0460

**CERTIFICATE OF SERVICE BY MAIL**

I, Richard A. Hamar, declare: I am a citizen of the United States; I am over the age of eighteen years and not a party to this action; my business address is 2437 Briarcrest Road, Beverly Hills, CA 90210.

On January 15, 2002, I mailed the NOTICE OF CONFLICT to Assistant United States Attorney, located at 500 E. Broward Blvd. 7th floor, Fort Lauderdale, Florida 33394 and all those on the service list. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

This was executed at Beverly Hills, CA

  
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RICHARD A. HAMAR